

Message Text

SECRET

PAGE 01 ALEXAN 00063 01 OF 02 242255Z

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ACTION NODS-00

INFO OCT-01 ISO-00 /001 W

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FM USDEL ALEXANDRIA

TO AMCONSUL JERUSALEM FLASH

INFO SECSTATE WASHDC IMMEDIATE 49

S E C R E T SECTION 1 OF 2 USDEL ALEXANDRIA 0063

NODIS CHEROKEE

FOR THE SECRETARY FROM AMBASSADOR

E.O. 11652: XGDS-3

TAGS: PFOR, EG, US, IS

SUBJ: MIDDLE EAST NEGOTIATIONS: DRAFT AGREEMENT

REF: SECTO 10080

1. I DECIDED TO HAVE ANOTHER GO AT FAHMY THIS EVENING AND WENT OUT TO HIS BEACH CABIN. WHILE A BIT ABASHED ABOUT THIS MORNING'S MEETING WITH CODEL, HE WAS STILL SIMMERING ABOUT WHAT HE REGARDED AS LOADED QUESTIONS ASKED BY CONGRESSMAN KOCH. (IN MY JUDGEMENT, THIS WAS UNJUSTIFIED.) AS HE PUT IT, HIS BLOOD PRESSURE HAD GONE UP AND REMAINED SO. AFTER I HAD CALMED HIM DOWN A BIT, I ADVERTED TO OUR TALK OF LAST NIGHT ABOUT THE DRAFT AGREEMENT AND RELATED MATTERS. I EXPRESSED THE HOPE THAT, ON FURTHER REFLECTION, HE HAD COME UP WITH SOME MORE THOUGHTS ON HOW TO STRENGTHEN AND FORMULATE VARIOUS PROVISIONS TO ALLOW A MUTUALLY ACCEPTABLE AGREEMENT. I AGAIN MADE THE POINT THAT I HAD MADE YESTERDAY THAT RABIN NEEDS SOMETHING BEYOND THE PROVISIONS OF THE FIRST DISENGAGEMENT AGREEMENT TO JUSTIFY TO HIS OWN KNESSET AND HIS PUBLIC LEAVING THE PASSES AND GIVING UP THE OILFIELDS. FAHMY INTERJECTED HE IS GETTING A LAVISH US PRICE. I POINTED OUT THAT

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PAGE 02 ALEXAN 00063 01 OF 02 242255Z

RABIN NEEDS SOMETHING FROM EGYPT THAT HE CAN POINT TO.

I ALSO AGAIN STRESSED THAT WE, TOO, NEED SOME POLITICAL POINTS TO JUSTIFY TO THE AMERICAN PUBLIC OUR PRESSURE ON ISRAEL.

2. FAHMY'S REACTION WAS NEGATIVE. HIS REVISED VERSION OF LAST NIGHT WAS AS FAR AS EGYPT COULD GO. IN FACT, AFTER LOOKING AT THE REVISED DRAFT AGAIN TODAY, HE FELT ARTICLE X SHOULD BE AMENDED TO READ, "THIS AGREEMENT SHALL REMAIN IN FORCE UNTIL SUPERSEDED BY A NEW AGREEMENT." THE REST OF THE LANGUAGE IN OUR DRAFT ARTICLE IS UNNECESSARY. FOR THAT MATTER, HE WOULD PERFER THIS COMMITMENT TO BE IN THE FORM OF A LETTER TO US. I REMINDED HIM THAT HE HAD LEFT THAT ARTICLE UNCHANGED LAST NIGHT, AND THAT I HAD THEREFORE INCLUDED IT IN THE REVISED DRAFT WHICH I HAD SENT TO YOU. IT WAS QUITE PROBABLE THAT YOU HAD ALREADY SHOWN THE DRAFT TO THE ISRAELIS. IF SO, ATTEMPTING TO TAMPER WITH SOMETHING HE HAD PREVIOUSLY AGREED UPON WAS HARDLY LIKELY TO BE HELPFUL. FAHMY STATED THAT IF THE ISRAELIS INSIST ON OUR WORDING FOR ARTICLE X, HE SEES NO RPT NO NEED TO GIVE A LETTER FOR THE TWO-YEAR DURATION. IF IT IS STIPULATED THAT THE AGREEMENT WILL REMAIN IN FORCE UNTIL SUPERSEDED BY A NEW AGREEMENT, THIS ITSELF ASSURES A LONGER DURATION, WHICH MIGHT, IN FACT, BE THREE, FOUR OR FIVE YEARS.

3. AS WE WERE DISCUSSING THIS, REFTEL ARRIVED AND I COULD READ HIM YOUR ORAL MESSAGE. HE LISTENED CAREFULLY, BUT WAS NOT RPT NOT GREATLY MOVED. HE INSISTED WE SHOULD UNDERSTAND THAT HE HAS GONE AS FAR AS HE CAN GO IN THE MATTER OF POLITICAL CONCESSIONS. YOU HAD YOURSELF TOLD THE PRESIDENT AT ASWAN THAT YOU COULD NOT RPT NOT ASK FOR ANYTHING MORE. IN FACT, PRESIDENT SADAT HAD GIVEN MORE AT SALZBURG AND, AS THE PRESIDENT SAYS, HAD GONE "BEYOND HIS LIMITS." HE WANTED ME TO CONVEY TO YOU THAT NEITHER THE EARLIER DRAFT LETTERS NOR THIS DRAFT AGREEMENT, EITHER IN THEIR ORIGINAL OR REVISED FORMS, HAVE BEEN SHOWN TO THE PRESIDENT. HE HAD DELIBERATELY NOT RPT NOT DONE SO, SINCE THE PRESIDENT WOULD CERTAINLY REACT NEGATIVELY. IT IS FAHMY'S INTENTION TO SHOW THE PRESIDENT A "CLEAN DRAFT" WHEN A FINAL VERSION HAS BEEN DRAFTED AND COMMEND IT FOR SADAT'S APPROVAL WITHOUT TELLING HIM OF ORIGINAL DRAFTS.

SECRET

SECRET

PAGE 03 ALEXAN 00063 01 OF 02 242255Z

THE PRESIDENT, HE SAID, WOULD TEAR UP THE ORIGINAL VERSIONS. FAHMY ARGUED THAT WE AND THE ISRAELIS SHOULD RECOGNIZE THAT NEITHER SADAT NOR HE IS ETERNAL. WE SHOULD BE CONCERNED THAT WHATEVER SADAT OR HE SIGNS BE OF A NATURE THAT A SUCCESSOR WILL NOT RPT NOT BE ABLE TO ACCUSE THEM OF TREASON AND ABROGATE THE AGREEMENT. OUR DRAFT AGREEMENT, IN HIS VIEW, GOES BEYOND THE LIMITS OF WHAT IS POLITICALLY SALEABLE. HE DISCLAIMED ANY INTENTION TO BE DIFFICULT,

BUT ARGUED THAT OUR DRAFT IS POLITICALLY UNACCEPTABLE
AND WILL HEIGHTEN ALREADY EXISTING PHYSICAL RISKS TO BOTH SADAT AND
HIMSELF.

4. I TOOK THE OCCASION TO SPEAK TO HIM ABOUT OUR NEED
FOR A LETTER ON SYRIA. HE RESPONDED THAT WE NEED TO GIVE
HIM A LETTER ON SYRIA AND THE PALESTINIANS. I TOLD
HIM I WAS SURE WE WOULD HONOR WHAT YOU SAID WE WOULD DO, BUT
REMINDED HIM THAT WE HAD AGREED AT SALZBURG THAT AN EGYPTIAN
LETTER WAS ALSO NEEDED. FAHMY ACKNOWLEDGED THAT IN HIS MEETING
WITH YOU AT SALZBURG, HE HAD AGREED TO THIS. HE CLAIMED
HE HAD NOT RPT NOT MENTIONED THIS TO THE PRESIDENT. GIVEN THE
PRESIDENT'S NEGATIVE REACTION OF THE OTHER
EVENING TO THE IDEA, SAID HIS HANDS ARE NOW TIED. HE IS NOT
WILLING TO GO TO THE PRESIDENT TO RECONSIDER, ESPECIALLY
SINCE EVEN WE ADMIT THAT WHAT THE ISRAELIS ARE OFFERING
IS UNGENEROUS. WERE HE TO DO SO, THE PRESIDENT WOULD
THROW HIM OUT.

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PAGE 01 ALEXAN 00063 02 OF 02 242338Z

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ACTION NODS-00

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S E C R E T SECTION 2 OF 2 USDEL ALEXANDRIA 0063

NODIS CHEROKEE

5. I AGAIN ASKED HIM TO GO THROUGH OUR DRAFT TEXT
WITH ME TO TAKE ANOTHER LOOK AT WHAT MIGHT BE POSSIBLE.
HE AGREED TO DO SO, AND ASKED WHAT I WOULD SUGGEST. I
POINTED OUT THAT THE DELETION OF OUR ARTICLE I,
A VERY SIMPLE ARTICLE, SEEMED UNNECESSARY. HE COULD SURELY LIVE
WITH THAT KIND OF FORMULATION. FAHMY AGAIN ARGUED THAT
NO RPT NO INTERNATIONAL AGREEMENT HAS THAT TYPE OF LANGUAGE.
HOWEVER, AFTER CONSIDERABLE DISCUSSION, HE SAID HE WOULD
BE AGREEABLE TO MAKING THE ENTIRE PREAMBLE

ARTICLE I. THIS SHOULD COVER THE POINT I HAD RAISED. IN THIS CONNECTION, HE WOULD PREFER THAT ALL OF THE PARAGRAPHS SIMPLY BE "NUMBERED ON THE RIGHT" INSTEAD OF BEING CALLED ARTICLES. THE NUMBERING OF THE REMAINING ARTICLES COULD THEN BE CHANGED ACCORDINGLY.

6. ON THE NON-RESORT TO FORCE ARTICLE, HE AGREED IT COULD GO IN AS HE HAD FORMULATED IT (ARTICLE I OF THE REVISED DRAFT.) HE REMAINED ADAMANT ABOUT THE CLAUSE IN OUR ARTICLE III ON BLOCKADES. THIS, IN HIS VIEW, IS TOTALLY UNCALLED FOR AND UNACCEPTABLE. NOR WOULD HE ACCEPT THE PRINCIPLE OF RECIPROCITY IN OUR ARTICLES IV AND IX. IN BOTH CASES, HE AGAIN INSISTED IT IS EGYPT, NOT ISRAEL, THAT HAS THE RIGHT. HE RECALLED WALDHEIM HAD TOLD THE ISRAELIS, IN CONNECTION WITH THE LATTER'S SIX-MONTH UNEF EXTENSION SUGGESTION, THAT THEY WERE OCCUPYING EGYPTIAN TERRITORY AND COULD HARDLY EXPECT TO HAVE A DECISIVE SAY IN THE MATTER.

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PAGE 02 ALEXAN 00063 02 OF 02 242338Z

7. ON OUR ARTICLE V, HE WAS WILLING TO REINSERT THE LANGUAGE FROM HIS MARCH 1975 PAPER THAT THE JOINT COMMITTEE SHOULD BE EITHER "UNDER THE AUSPICES OF THE UN" OR, AS HE HAD WRITTEN IN YESTERDAY, "TO BE PRESIDED OVER BY THE COMMANDER OF UNEF." HE PERSONALLY THOUGHT THAT "UNDER THE AUSPICES OF THE UN" IS UNDESIRABLE SINCE IT MEANS THE AGREEMENT WILL HAVE TO GO TO THE UNSC. THIS OUGHT AT ALL COSTS TO BE AVOIDED.

8. I PRESSED HIM HARD ON THE BAB EL-MANDAB AND CARGO ISSUES, BUT HE WAS ADAMANT. HE INSISTED EGYPT HAS NO RPT NO RIGHT TO MAKE A COMMITMENT UNILATERALLY ABOUT THE BAB EL-MANDAB. THE OTHER RED SEA RIPARIAN STATES, E.G. SAUDI ARABIA, SUDAN, ETHIOPIA, YEMEN AND SOUTH YEMEN, WOULD TAKE SUCH ACTION BY EGPYT AMISS. HE REITERATED THAT THE

PRESIDENT IS VERY TOUCHY THESE DAYS ON THE BAB EL-MANDAB ISSUE. I REMINDED HIM THAT THE PRESIDENT HAD GIVEN US AN ASSURANCE AT THE TIME OF THE FIRST DISENGAGEMENT AGREEMENT AND THAT HE HAD AGREED AT SALZBURG TO REAFFIRM THIS IN SOME FASHION. FAHMY INSISTED THAT ANY SUCH REAFFIRMATION, IF THE PRESIDENT CAN BE PERSUADED TO APPROVE, SHOULD NOT RPT NOT BE IN THE AGREEMENT. SO FAR AS ISRAELI CARGOS ARE CONCERNED, HE RECALLED THAT HE TOLD YOU THE OTHER DAY THAT A TEST SHIP COULD GO THROUGH PRIOR TO TO THE KNESSET MEETING. EGYPT WILL HONOR ITS WORD ON THIS POINT, BUT IT WILL NOT RPT NOT PUT SUCH MATTERS INTO THE AGREEMENT. TO DO SO WOULD BE POLITICAL SUICIDE FOR THE PRESIDENT.

9. I POINTED OUT THAT OUR ARTICLE XI IS A SIMPLE PROCEDURAL ARTICLE AND URGED THAT HE REINSERT IT. HE REFUSED, CONTENDING THAT SUCH AN ARTICLE WILL UNDESIRABLY BRING THE UNSC INTO THE MATTER. THERE THE SOVIETS, CHINESE AND, AS OF JANUARY 1, 1976, THE LIBYANS, WOULD USE SUCH A PROVISION TO INSIST TO EMBARASS EGYPT. THIS IS IN NO ONE'S INTEREST, INCLUDING ISRAEL, AND WE SHOULD RECOGNIZE IT.

10. FAHMY WAS ALSO UPSET ABOUT PRESS ATTENTION TO BOYCOTT MATTERS IN THE LAST FEW DAYS. HE SHOWED ME A CLIPPING,
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PAGE 03 ALEXAN 00063 02 OF 02 242338Z

DATELINED CAIRO, REPORTING THAT A LARGE NUMBER OF COMPANIES, INCLUDING FORD, HOPE TO GET OFF THE LIST AND CHARGED THIS HAD BEEN LEAKED BY THE ISRAELIS. AFTER READING IT, I SUGGESTED THAT IT WAS A STRINGER REPORT OUT OF CAIRO BASED ON COMMENTS MADE BY BOYCOTT DIRECTOR MAHGOUB. SO FAR AS THE FORD CASE IS CONCERNED, I RECALLED THAT PRIMIN MAMDU SALEM HAD ADVISED THE FORD PEOPLE TO SPEAK TO ARAB LEAGUE SYG MOHAMED RIAD, WHO IN TURN HAD SENT THE WHOLE THING TO MAHGOUB. I HAD BEEN AWAY FROM CAIRO WHEN THIS HAPPENED AND HAD HIM MUCH DISTURBED WHEN HEARING OF IT LATER. FAHMY SAID MAMDUH SALEM HAD MADE A MISTAKE. HE THEN SHOWED ME ANOTHER PRESS REPORT OUT OF ALEXANDRIA, CLAIMING US OFFICIALS HAD STATED THAT, AS PART OF THE NEW DISENGAGEMENT AGREEMENT, A BILATERAL WILL BE SIGNED LIFTING THE BOYCOTT FROM A LARGE NUMBER OF AMERICAN FIRMS. THIS KIND OF PUBLICITY, HE ASSERTED, IS HARDLY HELPFUL AND PLACES EGYPT IN A HIGHLY AWKWARD POSITION.

11. BY THIS TIME, WE HAD TALKED FOR CLOSE TO TWO AND A HALF HOURS, FAHMY WAS TIRING, AND I DECIDED IT WAS TIME TO LEAVE. ON LEAVING, I AGAIN ASKED THAT HE REVIEW OUR DRAFT TEXT BY TOMORROW AND CONSIDER WHAT MIGHT BE ADDED TO STRENGTHEN IT IN ORDER TO MAKE IT SALEABLE TO THE KNESSET AND THE AMERICAN PUBLIC. FAHMY WAS NON-COMMITTAL.
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